

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14176 of 2022

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Laltun Prasad S/o Late Chottu Prasad, R/o Vill and P.O.-Chichaura, P.S.
Konch, Dist.-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. Divisional Commissioner, Magadh Division, Gaya.
3. District Magistrate, Gaya.
4. Director, D.R.D.A., Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 02-07-2025 Heard the parties.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondents to fix his pension and other retiral benefits on the basis of higher pay scale for which the petitioner is found to be entitled, the date on which he superannuated, in view of the order passed in Service Appeal No. 73 of 2016.

3. While the petitioner was discharging his duty as Revenue Karamchari in Bodh Gaya Anchal, he was put to departmental proceeding for some charges of dereliction of duty, which led to punishment of demoting him in the rank on the lowest scale of pay vide Memo No. 1653 dated 21.05.2016, with



a further direction that the petitioner shall not be entitled for promotion or any benefit under ACP. The above mentioned order of punishment came to be challenged by filing Service Appeal No. 73 of 2016 before the Divisional Commissioner, Magadh Division, Gaya. Finally, the appeal preferred by the petitioner was allowed on 30.03.2017.

4. Notwithstanding the aforesaid fact that the impugned order of punishment came to be set-aside by the appellate authority, the petitioner has not been extended the consequential benefits; for which the petitioner has kept on representing before the concerned District Magistrate and the Divisional Commissioner. One of such representation dated 19.04.2022 is placed on record as Annexure-3 to the writ petition.

5. Adverting to the aforesaid facts, learned Advocate for the petitioner contended that since the order impugned has already been set-aside, there is no impediment in extending the admissible benefits to the petitioner. Nonetheless, the petitioner has been deprived from his admissible benefits for the last eight years, without there being any justifiable reason.

6. Learned Advocate for the State prays for a short adjournment to file a counter affidavit.



7. Suffice it to observe that the matter has been running on board since 2022 and till date, there is no response to the averments made in the writ petition.

8. Considering the limited grievance of the petitioner, this Court thinks it apt and proper to dispose off the writ petition with a direction to the District Magistrate, Gaya to consider the representation of the petitioner, the copy of which is placed on record as Annexure-3 to the writ petition, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order and pass appropriate consequential order in the light of the order passed in Service Appeal No. 73 of 2016. Any further delay would be viewed seriously.

9. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Harish Kumar, J)

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